

ESTTA Tracking number: **ESTTA376775**

Filing date: **11/04/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Linda Copari		
Entity	Individual	Citizenship	UNITED STATES
Address	135 Marble Street Stoneham, MA 02180 UNITED STATES		

Attorney information	Oppedahl Patent Law Firm LLC P O Box 5940 Dillon, CO 80435-5940 UNITED STATES docket-oppedahl@oppedahl.com Phone:970 468 8600
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Applicant Information

Application No	85035844	Publication date	10/12/2010
Opposition Filing Date	11/04/2010	Opposition Period Ends	11/11/2010
Applicant	Johansen, James 10 Patricia Dr. New City, NY 10956 UNITED STATES		

Goods/Services Affected by Opposition

Class 031. All goods and services in the class are opposed, namely: Flower seeds; Vegetable seeds for planting

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	SCAN001001.pdf (1 page)(5535018 bytes) SCAN001001-1.pdf (1 page)(3542447 bytes) opposition.pdf (2 pages)(37578 bytes) certificate.pdf (1 page)(28122 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/
Name	Oppedahl Patent Law Firm LLC
Date	11/04/2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Linda Corapi,

Opposer and plaintiff,

Application number 85035844

v.

James Johansen,

Applicant and defendant

NOTICE OF OPPOSITION

Now comes Opposer and plaintiff Linda Corapi ("Opposer"), who pleads as follows:

1. Opposer has been using the mark "GARDENS GALORE" since at least as early as March of 1997 for landscape gardening design for others and for related services.
2. Opposer presently uses the mark "GARDENS GALORE" for landscape gardening design for others and for related services and intends to continue such use of the mark for those services.
3. Opposer is the owner of the Internet domain name "gardensgalore.com" and has owned the domain name since at least as early as January 2, 2003.
4. Opposer operates the web site <http://www.gardensgalore.com/> and offers its landscape gardening design services at that web site.
5. The United States Patent and Trademark Office granted US trademark registration number 2400047 to Opposer on October 31, 2000, listing services of "landscape gardening design for others".
6. Although US trademark registration number 2400047 was canceled on August 4, 2007, the cancellation is in no way indicative of any abandonment of valid and subsisting trademark rights by Opposer.
7. On May 11, 2010, James Johansen ("Applicant") filed US trademark application number 85035844 in the United States Patent and Trademark Office for the mark "Gardens Galore", listing goods of "flower seeds; vegetable seeds for planting".
8. On information and belief, Applicant has not yet commenced use of the mark "Gardens Galore" in connection with the goods of "flower seeds; vegetable seeds for planting".
9. On information and belief, Applicant has not yet commenced use of the mark "Gardens Galore" in connection with any goods or services.
10. On information and belief, Applicant has not yet commenced use of the mark "Gardens Galore" in interstate commerce in connection with the goods of "flower seeds; vegetable seeds for planting".

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11. On information and belief, as of at least as early as May 11, 2010, Applicant had at least once tried to register the Internet domain name "gardensgalore.com" and found that it had already been registered and was not available to Applicant.

12. On information and belief, as of at least as early as May 11, 2010, Applicant had at least once visited the web site at <http://www.gardensgalore.com/> and had viewed the web site.

13. On information and belief, as of at least as early as May 11, 2010, Applicant was aware of services being offered at the web site at <http://www.gardensgalore.com/>.

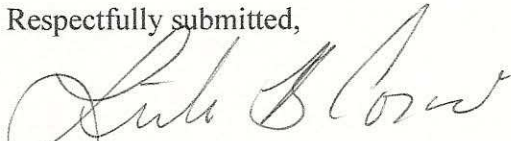
14. On November 3, 2010, Opposer filed US trademark application number 85168714 for the mark "Gardens Galore", listing services of "landscape gardening design for others".

15. In its application number 85168714, Opposer claims ownership of US trademark registration number 2400047.

16. Opposer believes it would be harmed by a grant of a trademark registration to Applicant upon US trademark application number 85035844.

17. By virtue of the foregoing, Opposer prays that this Opposition be decided in favor of Opposer and against Applicant.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Corapi", written in dark ink.

Linda Corapi

Opposer and plaintiff

UNITED STATES PATENT AND TRADEMARK OFFICE

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James Johansen,

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Respectfully submitted,

Linda Corapi
Opposer and plaintiff

Certificate of service

I certify that the attached paper is being served by first-class mail upon the applicant/defendant:

James Johansen
10 Patricia Drive
New City, NY 10956-2005

this fourth day of November, 2010.

/s/

Carl Oppedahl
PTO Reg. No. 32746